

**A CERTIFIED TRUE COPY**

OCT 13 2006

**ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION****DOCKET NO. 1535**

C 06-4825 MSJ

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE WELDING FUME PRODUCTS LIABILITY LITIGATION****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-43)**

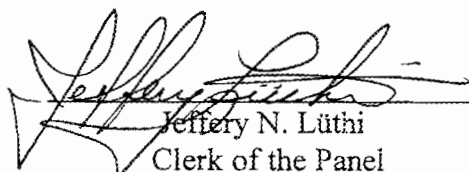
On June 23, 2003, the Panel transferred three civil actions to the United States District Court for the Northern District of Ohio for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 269 F.Supp.2d 1365 (J.P.M.L. 2003). Since that time, 355 additional actions have been transferred to the Northern District of Ohio. With the consent of that court, all such actions have been assigned to the Honorable Kathleen McDonald O'Malley.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Northern District of Ohio and assigned to Judge O'Malley.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of Ohio for the reasons stated in the order of June 23, 2003, and, with the consent of that court, assigned to the Honorable Kathleen McDonald O'Malley.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Ohio. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

  
Jeffery N. Lüthi  
Clerk of the Panel

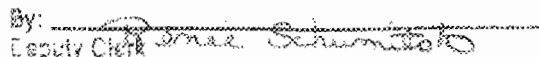
Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

OCT 13 2006

**CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

I hereby certify that this instrument is a true and  
correct copy of the original on file in my office.

Attest: Geri M. Smith, Clerk  
U.S. District Court  
Northern District of Ohio

By:   
Deputy Clerk

**FILED** JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

OCT 27 2006

SEP 27 2006

RICHARD W. WIEKING FILED  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CLERK'S OFFICE

2006 OCT 18 AM 8:56  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

**FILED**

1924

**SCHEDULE CTO-43 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1535**  
**IN RE WELDING FUME PRODUCTS LIABILITY LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
<b>CALIFORNIA CENTRAL</b>	
CAC 2 06-5327	Larry Brengle, et al. v. A.O. Smith Corp., et al.
<b>CALIFORNIA EASTERN</b>	
CAE 2 06-1776	Douglas Peruchetti, et al. v. A.O. Smith Corp., et al.
CAE 2 06-1897	Kenneth Pridmore, et al. v. Lincoln Electric Holdings, Inc., et al.
<b>CALIFORNIA NORTHERN</b>	
CAN 3 06-4810	David Dickens, et al. v. A.O. Smith Corp., et al.
CAN 3 06-4822	John Lassus, et al. v. Lincoln Electric Holdings, Inc., et al.
CAN 3 06-4825	Harry Battiste, et al. v. A.O. Smith Corp., et al.
CAN 3 06-5049	Joseph Duran v. A.O. Smith Corp., et al.
CAN 4 06-4811	Rufino Ramos v. A.O. Smith Corp., et al.
<b>CALIFORNIA SOUTHERN</b>	
CAS 3 06-1589	Jorge Gallardo, et al. v. A.O. Smith Corp., et al.
CAS 3 06-1590	Lawrence Proulx v. A.O. Smith Corp., et al.
CAS 3 06-1596	Michael A. Jones, et al. v. A.O. Smith Corp., et al.
<b>MINNESOTA</b>	
MN 0 06-3319	David Mann v. Airco, Inc./BOC Group, Inc., et al.
<b>PENNSYLVANIA WESTERN</b>	
PAW 3 06-103	William E. Walsh, Jr. v. Consolidated Rail Corp., et al.
PAW 3 06-104	Charles A. Williams v. Consolidated Rail Corp., et al.

United States District Court  
Northern District of Ohio  
801 West Superior Avenue  
Cleveland, Ohio 44113

October 23, 2006

Northern District of California  
Office of the Clerk  
P.O. Box 36060  
450 Golden Gate Avenue  
San Francisco, CA 94102-3489

Re: MDL 1535 Welding Rod Products Liability Litigation

Transfer of Civil Cases

Dickens, et al v A.O Smith Corp., et al

Lassus, et al v Lincoln Electric Holdings, Inc., et al

Battiste, et al v A.O. Smith Corp., et al

Duran v A.O. Smith Corp. et al

Ramos v A.O. Smith Corp., et al

NDCA#

3:06-4810 WJA

3:06-4822 JSW

3:06-4825 MJJ

3:06-5049 MJJ

4:06-4811 SBA

Dear Sir/Madam:

Enclosed are certified copies of Conditional Transfer Order (CTO-43) of the Judicial Panel on Multidistrict Litigation directing the transfer of the above referenced civil action(s) to the Northern District of Ohio pursuant to 28 U.S.C. Section 1407. The Honorable Kathleen McDonald O'Malley presides over this litigation.

**Once cases have been closed in your District please e-mail the Northern District of Ohio Clerk's Office at the e-mail addresses listed below. We will retrieve documents electronically.**

Northern District of Ohio case numbers will be assigned upon receipt of records.

Should you have any questions regarding this request, please call me at the number below.

Sincerely,

Geri M. Smith, Clerk

By \_\_\_\_\_  
Renee Schumitsh  
MDL Coordinator  
(216) 357-7017

Renee\_Schumitsh@ohnd.uscourts.gov and  
Jenny\_E\_Smolinski@ohnd.uscourts.gov